

Date of Transmission June 10, 2003

I hereby certify that this correspondence is being transmitted
by facsimile on the date indicated above to the Commissioner
for Patents, Washington, D.C. 20231, at facsimile number
703-872-9306.

Patty Wilson
Patty Wilson**PATENT**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Thakker et al.

Group Art Unit: 1617

Serial No.: 09/974,519

Examiner: Webman, Edward

Filed: October 10, 2002

Docket No.: 421/32/2

For: COMPOSITIONS AND METHOD FOR ENHANCING PARACELLULAR
PERMEABILITY ACROSS EPITHELIAL AND ENDOTHELIAL
BARRIERS

RESPONSE TO RESTRICTION/ELECTION REQUIREMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This is responsive to the Restriction/Election Requirement dated May 13,
2003, having a 1-month term for Response that will expire on June 13, 2003.
Favorable consideration is respectfully requested in view of the following
Election and Remarks.

RESTRICTION PRESENTED

The claims have been restricted into the following groups of inventions:

<u>Groups</u>	<u>Claims</u>	<u>Subject Matter</u>
I	1-16	Method of enhancing paracellular permeability/ absorption

Application Serial No.: 09/974,519

- | | | |
|-----|-------|---|
| II | 17-21 | Composition comprising hydrophilic drug, phospholipase C inhibitor, and pharmaceutically acceptable carrier |
| III | 22-27 | Method of preparing a composition that facilitates oral availability of a hydrophilic drug |

Additionally, it is contended that the claims within the above-noted groups of claims are further directed to a plurality of disclosed patentably distinct species. See pages 3-5 of the Official Action. Particularly, it is asserted that claim 2 is generic to a plurality of disclosed patentably distinct species comprising inhibitors; and that claim 8 is generic to a plurality of disclosed patentably distinct species comprising different forms of administration. Additionally, it is asserted that the claims of Group I include method claims pertaining to the following patentably distinct species: a method of enhancing paracellular permeability and a method of enhancing absorption. Finally, claims 6 and 7 are asserted to be generic to a plurality of disclosed patentably distinct species comprising absorption sites, namely, the intestinal epithelium and the blood brain barrier.

APPLICANTS' ELECTION

Applicants hereby elect the invention of Group I, claims 1-16, be elected for prosecution at this time. Applicants further elect the following species upon which a search can be initiated: (a) the phospholipase C inhibitor is an alkylphosphocholine; (b) the form of administration is oral administration; (c) the method is the method as recited in claim 1, a method of enhancing paracellular permeability; and (d) the absorption site comprises intestinal epithelium as recited in claim 6.

REMARKS

Claims 1-27 are now pending in the subject U.S. patent application. Claims 1-27 as filed have been subjected to a Restriction/Election Requirement.